



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: August 24, 2022

TIME: 9:35 AM

WSR 22-17-162

Agency: Office of Superintendent of Public Instruction (OSPI)

Title of rule and other identifying information: (describe subject) Chapter 392-109 WAC, rules concerning the administration of elections for elected members of the State Board of Education.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is proposing to repeal chapter 392-109 WAC since the rules are no longer applicable due to a change in statute.

Reasons supporting proposal: The Washington State Legislature passed HB 1974 (2022) moving the administration of elections for elected members of the State Board of Education to the Washington State School Directors' Association (WSSDA). As WSSDA is now responsible for the administration of these elections and establishing related procedures, the rules under chapter 392-109 WAC are no longer valid.

Statutory authority for adoption: RCW 28A.305.021

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kristin Murphy	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6133
Implementation:	Kristin Murphy	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6133

Enforcement:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The RCW authorizing OSPI to administer elections for elected members of the state board of education was amended in 2022. The amendment moved the responsibility to WSSDA. Therefore, OSPI no longer has the authority to administer these elections and the related rules are no longer applicable.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Kristin Murphy

Agency: Office of Superintendent of Public Instruction (OSPI)

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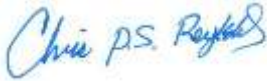
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Other:

AND RECEIVED BY (date) October 25, 2022

Date: August 16, 2022	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	